



# 6

SAC/1/18

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 1041

Goren et al.

Group Art Unit: UNASSIGNED

Appln. No.: 10/076,247

Examiner: UNASSIGNED

Filed: January 14, 2002

Title: ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA AND  
THERAPEUTIC USE THEREOF

\* \* \* \* \*

**PETITION UNDER 37 C.F.R. § 1.181 FOR REVIEW OF FILING DATE**RECEIVED  
DEC 16 2002  
OFFICE OF PETITIONS

Hon. Commissioner of Patents

ATTN: Office of Petitions

Washington, D.C. 20231

Adjustment date: 12/26/2002 AKELLEY  
12/13/2002 CHNGUYEN 00000069 033975 10076247

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.181, Applicants hereby petition for review of the erroneous filing date accorded to the above-identified patent application. Applicants respectfully request that this application be accorded its actual filing date of **January 14, 2002**.

Applicants filed the above-identified application on January 14, 2002 by hand-carrying it to the U.S.P.T.O. Included in the application papers as filed were 49 pages of specification, 38 claims, an Abstract of the Disclosure, and a transmittal cover letter signed by Applicants' representative. The application is directed to subject matter for which drawings are not normally required, and the application did not include any. Attached as Exhibit "A" are photocopies of two postcard receipts that were submitted with the application papers and were subsequently returned to Applicants. Both postcard receipts are stamped by the Office of Initial Patent Examination (OIPE) with a date of January 14, 2002.

Therefore, in accordance with the provisions of 37 C.F.R. §§ 1.53(b) and (f), this application is entitled to a filing date of January 14, 2002, and a "Notice to File Missing Parts...Filing Date Granted" confirmed this, stating only that the Declaration and late-filing surcharge were due. Applicants responded to that Notice on June 14, 2002. A copy of the Notice is attached to this Petition as Exhibit "B."

However, Applicants noticed that the updated Filing Receipt and other Office correspondence listed an incorrect filing date of February 14, 2002, and filed a Request for

Corrected Filing Receipt on October 9, 2002 to correct the error. Applicants were then informed by a "Response to Request for Corrected Filing Receipt" mailed October 15, 2002, that a Petition would be necessary to correct the error. That communication is attached to this petition as Exhibit "C." This Petition is being submitted within two months of the mailing date of that communication; therefore, Applicants respectfully submit that this Petition is timely.

With respect to the content of the "Response to Request for Corrected Filing Receipt," Applicants note that this application was filed by hand carry, and so the provisions of 37 C.F.R. § 1.10, which relate to Express Mail filing, do not apply to this application. Instead, this application should be accorded a filing date pursuant to 37 C.F.R. § 1.6(c), which relates to hand delivery. Applicants believe that the reference to 37 C.F.R. § 1.10 is incorrect.

In view of the foregoing, Applicants respectfully request a favorable decision on this Petition. The fee of \$130 under 37 C.F.R. § 1.17(h) for filing this Petition, and any other fee now due, may be charged to our Deposit Account, No. 03-3975, for which purpose this Petition is being filed in duplicate. If the official responsible for deciding this petition has any questions, he or she is invited to contact the undersigned to discuss those questions.

Respectfully submitted,

Pillsbury Winthrop LLP.

By: Andrew McAleavey  
Robin L. Teskin  
Reg. No.: 35,030  
Tel. No.: (703) 905-2200  
Fax No.: (703) 905-2500

Andrew McAleavey  
Reg. No. 50,535  
Tel. No. (703) 905-2141

Date: December 12, 2002  
RLT:AM  
1600 Tysons Boulevard  
McLean, VA 22102

(703) 905-2000

Attachments: Postcard Receipts

Notice to File Missing Parts

Response to Request for Corrected Filing Receipt



# **EXHIBIT**

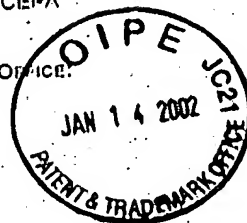
**A**

PTO RECEIPT FOR INDICATED ITEMS

Today's Date: January 14, 2002  
 Applicant: Adolfo Goron et al.  
 Serial No.: (Unassigned)  
 Title: ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA  
 AND THERAPEUTIC USE THEREOF

THE FOLLOWING WAS FILED IN THE U.S. PATENT & TRADEMARK OFFICE:

- ☒ New Divisional Application containing:
  - ☒ Specification (49 pages)
  - ☒ Claims - 38 claims
  - ☒ Abstract of the Disclosure
- ☒ Request for Filing (Rule 53(b)(1) Form)



CURRENT DUE DATE: January 14, 2002

CDC-285A 7/96

RYT/lak  
 1-14-02  
 Goldman  
 0280702

PTO RECEIPT FOR INDICATED ITEMS

RECEIVED

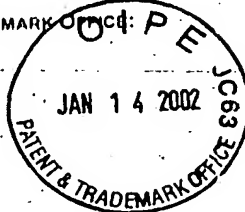
DEC 16 2002

OFFICE OF PETITIONS

Today's Date: January 14, 2002  
 Applicant: Adolfo Goron et al.  
 Serial No.: (Unassigned)  
 Title: ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA AND  
 THERAPEUTIC USE THEREOF

THE FOLLOWING WAS FILED IN THE U.S. PATENT & TRADEMARK OFFICE:

- ☒ New Divisional Application containing:
  - ☒ Specification (49 pages)
  - ☒ Claims - 38 claims
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- ☒ Request for Filing (Rule 53(b)(1) Form)



CURRENT DUE DATE: January 14, 2002

CDC-285A 7/96

RYT/lak  
 1-14-02  
 Goldman  
 0280702

Kramer

# **EXHIBIT**

**B**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/076,247	02/14/2002	Adolfo Goren	P 0280702 32961-001

CONFIRMATION NO. 1041

## FORMALITIES LETTER



\*OC000000007871917\*

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

Date Mailed: 04/16/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED  
DEC 16 2002  
OFFICE OF PETITIONS

# **EXHIBIT**

**C**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Inventor(s): Goren et al.

Appln. No.: 10/ 076,247

Series Code ↑ Serial No. ↑

Filed: January 14, 2002

ATTENTION: Office of Initial Patent Examination  
Customer Service Center

Title: ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA AND THERAPEUTIC USE THEREOF

Date: October 9, 2002

Asst. Commissioner of Patents  
Washington, D.C. 202031

Sir:

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data which is

☒ incorrectly entered  
Error in

and/or

☐ omitted  
Correct data1. ☐ Applicant's Name

1.

2. ☐ Applicant's Address

2.

3. ☐ Title

3.

4. ☒ Filing Date

4. January 14, 2002

5. ☐ Serial Number

5.

6. ☐ Foreign/PCT Application Re

6.

7. ☐ Other

7.

3. It is understood that the PTO no longer charges for correcting filing receipts even when the error is applicants' mistake, but if that is incorrect and a fee is due for this correction please charge our Deposit Account No. 03-3975 under Order No. 03/3975

Pillsbury Winthrop LLP  
Intellectual Property GroupP.O. Box 10500  
McLean, VA 22102  
Tel: (703) 905-2000By Atty: Robin L. TeskinReg. No. 35,030Sig: Fax: (703) 905-2500  
Tel: (703) 905-2200

Atty/Sec: RLT/af

(Attach Filing Receipt copy and PTO receipt PAT-103A)

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DEC 16 2002

OFFICE OF PETITIONS



## UNITED STATES PATENT AND TRADEMARK OFFICE

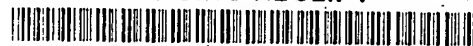
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/076,247	<del>02/14/2002</del> 01/14/2002	1651	765	P 0280702		38	7

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

CONFIRMATION NO. 1041

## UPDATED FILING RECEIPT



\*OC000000008367616\*

Date Mailed: 07/03/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Adolfo Goren, Condoha, ARGENTINA;  
Walter Franklin Goldman, Houston, TX;  
Zila Trainin, Rahovoe, ISRAEL;  
Simon Raul Goldman, Cardoba, ARGENTINA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/631,284 08/03/2000 PAT 6,340,483

## Foreign Applications

If Required, Foreign Filing License Granted 04/12/2002

Projected Publication Date: 10/10/2002

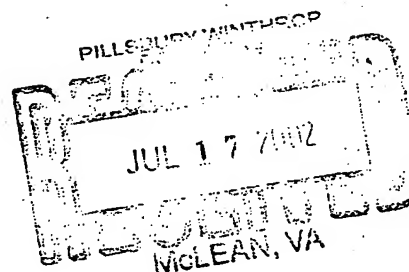
Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Antiviral composition derived from Allium cepa and therapeutic use thereof



RECEIVED

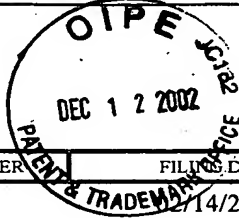
DEC 16 2002

OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/076,247	12/14/2002	Adolfo Goren	P 0280702

CONFIRMATION NO. 1041



\*OC000000008949570\*

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

Date Mailed: 10/15/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

☒ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.

☒ A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.

☐ The "date in" on the Express Mail label is the date given on the Filing Receipt.

☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).

☐ Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.

☐ The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

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DEC 16 2002

RECEIVED  
PILLSBURY WINTHROP LLP

OFFICE OF PETITIONS

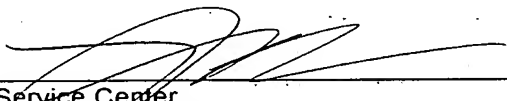
DEC 18 2002

32910 MT# 280702  
PLT  
N/A

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC  
Commissioner for Patents  
Washington, DC 20231

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Customer Service Center  
Initial Patent Examination Division  
(703) 308-1202